

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

KEVIN DAVIS,

Plaintiff,

v.

JAY COWAN, *et al.*,

Defendants.

No. 3:20-CV-01106

(Chief Judge Brann)

(Chief Magistrate Judge Mehalchick)

ORDER

JULY 31, 2023

Kevin Davis filed this third amended 42 U.S.C. § 1983 civil rights complaint alleging that numerous individuals violated his civil rights by retaliating against him for filing a complaint against prison officials, and by withholding necessary medical treatment.¹ On July 6, 2023, Chief Magistrate Judge Karoline Mehalchick issued a Report and Recommendation recommending that this Court grant the pending motion to dismiss and dismiss with prejudice claims against Defendants Jay Cowan and Correct Care Solutions.² No timely objections were filed to this Report and Recommendation.

¹ Doc. 67.

² Doc. 72.

Where no objection is made to a report and recommendation, this Court will review the recommendation only for clear error.³ Regardless of whether objections are made, district courts may accept, reject, or modify—in whole or in part—the findings or recommendations made by the magistrate judge.⁴ Upon review of the record, the Court finds no error in Chief Magistrate Judge Mehalchick's conclusion that claims against the moving defendants should be dismissed with prejudice. Consequently, **IT IS HEREBY ORDERED** that:

1. Chief Magistrate Judge Karoline Mehalchick's Report and Recommendation (Doc. 72) is **ADOPTED**;
2. Defendants' motion to dismiss (Doc. 68) is **GRANTED**;
3. Claims against Jay Cowan and Correct Care Solutions are **DISMISSED** with prejudice; and
4. This matter is **REMANDED** to Chief Magistrate Judge Mehalchick for further proceedings.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

Chief United States District Judge

³ Fed. R. Civ. P. 72(b), advisory committee notes; *see Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987) (explaining that court should in some manner review recommendations regardless of whether objections were filed).

⁴ 28 U.S.C. § 636(b)(1); Local Rule 72.31.